AN ANSWER TO THE EARLE OF STRAFORDS CONCLVSION.

The 13. of Aprill, 164'.

Printed in the Yeare 1641.

11/7/42

With your Lordſhips favour,

IF the ſubvertion of the fundamentals of Faith be Hereſie, why not as well the ſubvertiō of the fundanental Lawes, Treaſon? Shall it be Treaſon to deſtroy the Kings Miniſters? and ſhall that be none that deſtroyes Kings, aſwell as the King the Lawes: and if Lawes did not ſubſidiate Princes, Kingdomes would totter as foundationleſſe: nay they are indeed, the very ſubſiſtance of Kings.

Let it bee ſuppoſed, though not granted, that no one particular make it Treaſon, may not many and ſucceſsive Acts amount it to that height? One graine of poyſon is not motall, but many together are. Exportation of ſheepe for once is but a Treſpaſſe, but acted a ſecond time is Fellony by Statute. Refuſall of the Oath of Supremacy is at firſt not capitall; but refus'd againe, by ſtatute is made Treaſon. And to my weake underſtanding, my Lords, this clearely ſhewes the mind of the Law: one ill act of waving the Law, may be but out of raſhneſſe, out of Ignorance; but a perpetuated practice, ſhewes a prepen-

ſed malice, and murther thus acted by the 10. *H.* 7. in *Ireland*, is Treaſon.

Be it there be no ſtatute or Common-Law in expreſſe to make it ſo, yet neceſſary inferences, if they bee not certainties, are next them; and if the depended Judge or Governour hath power in the buſineſſe of the Subject, to make the ſway arbitrary, where Law is poſitive, I know not but hee may doe the ſame in the buſineſſe of the Soveraignty; ſo it may come to pull the Soveraignty from the Prince, and place it on his ſubſtitute, and whether this bee Treaſon or no, I leave to your Lordſhips conſideration.

'Tis true, *de non apparentibus, & non exiſtentibus, eadem eſt Ratio*, But my Lords, to make this Treaſon, is non unapparent a partiall eye will not find it, but he that lookes, *Intuitu ſerio*, may ſee even the Triple Gerion of Treaſon in it, for it cannot bee but there is *Læſa Respub. Lex Majeſtas*, the Common-wealth is oppreſſed, the Lawes are ſuppreſt, the Prince is ſcande'd in act, and ſubjected by conſequence to his Denious determinations: and therefore I ſhall without admiration tell you where this fire hath layen thoſe hundred of yeares he ſpeaketh of, even (my Lords) in the honeſter behaviour of other Miniſters of State,

State, who have not beene injurious againſt the Lawes, and there ſtill had it beene buried, if his owne nefarrious actions had not un-embred it, and fuel'd it a new.

Nor can your Sentence be before promulgation, ſince even your renowned Promulgation, ſince even your renowned Progenitors have already declared it Treaſon; through not by a particular Statute in termes: yet by a demonſtrative practice, which if his Lordſhip would not have beene willingly blind, had beene Buoy enough to keepe him from that Anchor of us all, which now muſt either hurt it ſelfe, or elſe ſplit him, the Parliament whoſe Courſes left upon Record cannot bee taken for under water workes, ſo that a very eave honeſty and common morality (without Revelation) might have ſerv'd as the red Croſſe and the Bill, to have warn'd him from this plague of Legicide.

I ſhall beg as hard as his Lordſhip, that you have regard to your ſelves, for if upon him (by whoſe authority, Peeres ſhall bee ſentenc'd to bee ſhot, Noble curb'd & coop'd up, Lawes ſubverted, Freehold diſpoſed of out of the Courts, Grants under the Royall Seale extrajudicially diſanul'd and what may be profit of Monopoliz'd) you ſet not ſome everlaſting Character to deter the like front-

leſſe attempts; I know not but the next Commer may ſubjugate your deareſt freedomes, and as remedileſſe you may then complaine, as thoſe who now doe ſuffer, and have not yet found a redreſſe.

My Lords under favour, your providence may be ſhort, if it reach but to burning of Bookes: a fire of dead leaves will bee too weake a fuell for a warning Beacon: A living Author made exemplary will afford a Taller flame, and if there were no other Law, that of Retaliation could not but bee juſt; an Arbitrary ſentence, were but plowing with his owne Heyfer, Who ſtriving to ſeclude the Lawes, would inferre a kind of legall Tyranny, from a breſt that is a Libertaine. And therefore your Lordſhips, I perſwade my ſelf, will thinke it mightily fit, to caſt this *Ionas* over-board, who has occaſioned all theſe ſtormes, indangered all the ſacred ſhip of Govenement, and by flying the plaine ſpeaking Law, has dard by his Imperious Vote, to outgoe even all the bold attemps of Anceſtry.

It is ſome cõfort to us, that in 240 yeares we have had no uſe of theſe venerable, (though by him reviled for muſty) Records. The Common-wealth has had the fewer enemies. And if they worke now but a merited operation,

tion, I hope it may be 500. yeares ere any of ſo bold a brow, ſhall deſperately againe adventure to awaken them.

And if his Lordſhip be not made a preſident for puniſhment: I know not but he may prove a preſident for example, to animate others of a Uafrous and preſuming braine, to take up the ſame way from a pleaſurable boſome, to doome both Nobles, and the Commons, into a State of deepe calamity. And ſo your Lordſhips lenity to him may by indulgence wound a future multitude. His many crimes which you have heard full proved, will immortallize your Pereage for a noble Juſtice. The learned Orator has antiently told us, that *Non poteſt cui quam male de Repub. merenti, juſta eſſe cauſa.* And though it be ſevere, it cannot be unrighteous, for *Hoc ſpectant Leges, Hoc volunt; incolumen eſſe Civium Conjunctionem, quam qui dirimunt, eos morte, exilio, vinculis, damno, coercent.*

Thus every man will know what channell to ſteere in, what roks to avoid, what he is not to doe, what he is not to ſay for feare of meeting ſuch paines.

Thus men of honeſt wiſedome, will be cautious of keeping in the plaine rode of the Law, and never hazard (by croſsing through untro-

untroden Thickets) either Honour, Iſſue, or fortune, to a loſſe. What his Majeſtie may graciouſly intended to the pledg of his Sainct, will reſt in his moſt Royall heart: Though I hope the want of a Midwife did not make her one, now his marriage within a moneth after her deceaſe did ere make him account her ſo.

And nwo (my Lords) wee ſhall humbly expect your Honorable Iudgements, beſeeching you will be nobly pleaſed to defend thoſe Lawes which have ever defended you, to have reſpect to your owne future liberty, and the ſafety of theſe flouriſhing Kingeomes: Then what ever your ſentence be,

Te Deum laudamus te Cantemus Iehovæ, clangamus Dominum confitemur. Rupibus, ſalutis noſtræ.

FINIS.